

25 November 1970

MEMORANDUM FOR: Mr. Houston

SUBJECT : Reporting to the Civil Service  
Commission

1. Colonel White has referred to you Mr. Wattles' memorandum to him on the above subject (attached) with the comment that he would like to get together with you and Mr. Wattles and [ ] to discuss.

2. In paragraphs 2 and 3 Mr. Wattles indicates the Civil Service Commission publishes a list of required reports (Tab A), that the Agency furnishes only a few of these reports and that this appears to cause the Commission and the Agency no problem.

3. In paragraph 6 Mr. Wattles refers to Tabs E and F as examples of Agency responses to Commission requests which in turn are based on presidential directives. In such situations the Agency must comply and apparently is able to do so without problems. I would imagine also that if a request of this nature were levied which involved security problems Mr. Wattles could arrange with the Commission that we either report partly on a classified basis or report directly to the White House rather than to the Commission.

4. In paragraph 6 Mr. Wattles refers to an example of an occasional request from the Commission to the Director of Personnel which Mr. Wattles has been able to comply with, the example being listed in Tab G.

5. Paragraph 4 refers to our report to the Commission on the Incentive Awards Program (Tab C). [ ] advises that we are glad to furnish this report because we want to show the Commission that the Incentive Awards Program is active in and useful to this Agency. It is based on statute and Civil Service Regulation, binding upon us in any event. There would seem to be no security basis for not reporting.

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6. Paragraphs 4 and 5 refer to reporting requirements concerning minority employment or equal opportunity matters. There are indications that the responsible component of the Civil Service Commission is going to be aggressive on this. Colonel White's letter of 22 July 1970 to the Civil Service Commission at Tab B was in response to a Commission Bulletin (No. 291-77). The Bulletin, based on Civil Service Commission Regulation 713 and in turn on Executive Order 11478, also is binding upon us. The rest of Colonel White's letter indicates that in earlier discussions with the Commission the Commission had accepted our position that security requirements precluded us from furnishing all the information requested.

7. The most likely problem area I believe is referred to in paragraph 5 and Tab D which involve reports to the Commission on equal employment opportunity programs.  indicated in paragraphs 2 a-e and 3 a of Tab D that we have complied on a number of occasions with the Commission's requests for our plans and actions to implement the equal employment opportunity program. These Commission requirements, also based on the Civil Service Regulation and the Executive Order, are binding upon us and we properly have complied. Again I would perceive no security problem in doing so.

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8. Paragraphs 3 b and c of Tab D concern reporting requirements as to the number of discrimination cases and their disposition. Again these are based on the Executive Order and the Civil Service Regulation and are binding upon us. The requirement is to furnish the information listed on pages 713-C-1 and 2 of the Federal Personnel Management, a copy of which is attached to this memorandum. I would see no security problems in complying with it, except, in some instances the requirement in subparagraph (3) of page 713-C-2 for the name of the complainant. There would also be possible embarrassment in any case where we decline to furnish a name but thereafter the employee appeals to the Commission by procedures not arranged in advance to protect classified information. Perhaps a solution to this is to amend our regulation to require that appeals not be addressed to the Commission without prior notification to our equal employment opportunity director, to permit her to work out adequate arrangements with the Commission.

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In any event, initially at least it would seem wise that we continue to withhold the names of complainants. Colonel White may want to discuss this with the chairman of the Commission.



Associate General Counsel

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Attachment

OGC:RHL:dso

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